

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VICTORIANO TAVAREZ,

Plaintiff,

-against-

BELMONT PEANUTS OF  
SOUTHAMPTON, INC.,

Defendant.

**ORDER**

21 Civ. 5699 (PGG) (DCF)

PAUL G. GARDEPHE, U.S.D.J.:

Plaintiff Victoriano Tavarez filed the Complaint on or about July 1, 2021 (see Cmplt. (Dkt. No. 1)).

No proof of service has been filed as to the Defendant. Rule 4(m) of the Federal Rules of Civil Procedure provides as follows:

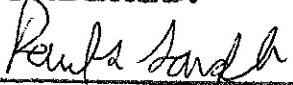
If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

By November 15, 2021, Plaintiff will file proof of service as to the Defendant. If proof of service is not filed by November 15, 2021, and if Plaintiff does not make a written application to the Court to extend the time for service, showing good cause for the failure to serve, Plaintiff's claims against the Defendant will be dismissed.

Dated: New York, New York  
November 4, 2021

**SO ORDERED:**

  
Paul G. Gardephe, U.S.D.J.